



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,237	02/12/2002	Frederick J. Hudson	01-40451-US	6231

7590 05/16/2006

LOUIS M. HEIDELBERGER, ESQ.
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103

EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3639

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,237

Applicant(s)

HUDSON, FREDERICK J.

Examiner

Igor Borissov

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/02/2006 has been entered.

Response to Amendment

Amendment received on 3/02/2006 is acknowledged and entered. Claims 1, 14, 15 and 16 have been amended. Claims 1-19 are currently pending in the application.

Preliminary Note

Claim 1. Examiner points out that the phrase "...and moves the at least material flow item..." (page 4, lines 12-13) appears to be misspelled. Examiner understands said phrase as: "...and moves the at least *one* material flow item...".

Claim Rejections - 35 USC § 101

Claim Rejections under 35 USC § 101 have been withdrawn due to the applicant's amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites (page 7, lines 5-6):

Art Unit: 3639

"scanning the at least one inventoried item at at least one secondary receiving station *prior to delivery of the item*", which indicates that the delivery of the item to an intermediary station does not constitute a delivery to a client. However, Claim 14 further recites (page 7, lines 11-12):

"scanning the at least one inventoried item at at least one tertiary receiving station *upon delivery of the item*", which is confusing. For purposes of examination Examiner understands the phrase "scanning the at least one inventoried item at at least one tertiary receiving station *upon delivery of the item*" as follows:

"scanning the at least one inventoried item at at least one tertiary receiving station *upon entering said tertiary receiving station*".

Furthermore, Claim 14 recites the following limitations on page 7, lines 5 and 7:

"*scanning the at least one inventoried item at at least one secondary receiving station*",

"*scanning the at least one inventoried item at at least one tertiary receiving station*",

which is confusing. It is not clear how a *station* can be scanned. For purposes of examination Examiner understands said phrases as: "*scanning the at least one inventoried item and an identification of at least one secondary or tertiary receiving station*".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 and 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radican (WO 99/38136).

Independent Claims

As per Claim 1,

Radican teaches an inventory monitoring system, comprising:

a remote operation center that coordinates at least one portion of the materials management system, and that receives at least one attribute of at least one material flow item, wherein the at least one material flow item enters the at least one portion of the materials management system, and wherein said remote operation center updates the at least one attribute to at least one updated attribute to reflect entry of the at least one material flow item into the at least one portion (Fig. 2, item 10; page 7, line 31 – page 2, line 11; page 11, line 21-22);

at least one receiving station in the at least one portion that transmits the at least one attribute to the remote operation center, and that receives the at least one update attribute from the remote operation center, over an interconnection external to the at least one portion (Fig. 2, items 30 and 60);

wherein a provider of delivery services gathers the at least one material flow item from said at least one receiving station and moves the material flow item within the material management system through the at least one portion that transmits the at least one attribute to the remote operation center, and that receives the at least one updated attribute from the remote operation center (page 8, lines 11-16);

wherein the at least one attribute and the at least one updated attribute are transmitted, entered, checked and verified at the receiving station by obtaining an identification of the at least one receiving station, and scanning the at least one material flow item, and the provider of delivery services (page 11, lines 30-31; page 15, lines 25-26), and

wherein said at least one attribute includes at least an identification barcode (page 8, lines 16, 28-32; page 9, lines 7-11).

Radican does not explicitly teach that said *obtaining* an identification of each of said plurality of the receiving stations includes *scanning* an identification of each of said plurality of the receiving stations.

Art Unit: 3639

However, Radican does teach that each of said receiving stations, which said distributor (truck) arrived at, has a unique identifier (page 7, lines 2-5). Furthermore, Radican teaches that said identification of said items is automatically obtained/scanned by means of radio frequency identification (RFID) tags technology or by means of scannable bar code tags (page 19, lines 21-28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Radican to include that said *obtaining* an identification of each of said plurality of the receiving stations includes *scanning* an identification of each of said plurality of the receiving stations, as suggested in Radican, because it would advantageously allow to automatically collect and record status and location of shipped goods and create the basic framework for compiling detailed data on the shipping process which can be used by the facility, suppliers and carriers to optimize logistics, as specifically stated in Radican (page 7, lines 14-18).

As per Claim 14,

Radican teaches an inventory monitoring method, comprising:

scanning the at least one inventoried item upon entry into the materials management flow at a first local receiving station (at each of the plurality of receiving stations) (page 9, lines 8-10; page 7, lines 2-11), said station located at a first of the distinct geographic locations (Figs. 12A-12D; page 18, line 4; page 20, lines 3-5, 15-17; page 7, lines 3-5), and obtaining an identification of the said first local receiving station (page 11, lines 30-31; page 15, lines 25-26);

scanning the at least one inventoried item upon exit from the first local receiving station (page 9, lines 11-15; page 15, lines 27-29; page 18, lines 9-10);

scanning the at least one inventoried item at at least one secondary receiving station prior to delivery of the item (at each of the plurality of receiving stations) (page 9, lines 8-10), and obtaining an identification of the secondary receiving station (page 11, lines 30-31; page 15, lines 25-26), said secondary receiving station located at a second geographic location distinct from the first geographic location (Figs. 12A-12D; page 18, line 4; page 20, lines 3-5, 15-17; page 7, lines 3-5);

Art Unit: 3639

scanning the at least one inventoried item upon exit from the second local receiving station (page 9, lines 11-15; page 15, lines 27-29; page 18, lines 9-10);

scanning the at least one inventoried item at at least one tertiary receiving station upon delivery of the item (at each of the plurality of receiving stations) (page 9, lines 8-10), said tertiary receiving station located at a third geographic location distinct from the second geographic location (Figs. 12A-12D; page 20, lines 3-5, 15-17; page 7, lines 3-5);

obtaining an identification of the at least one tertiary receiving station upon delivery of the item (page 11, lines 30-31; page 15, lines 25-26); and

transmitting, entering, checking and verifying the item's placement at at least one of the at least one secondary receiving station, and the at least one tertiary receiving station, at a remote operation center externally connected to the first local receiving station, the at least one secondary receiving station, and the at least one tertiary receiving station (page 9, lines 19-27; page 11, lines 18-22, 30-31; page 12, lines 1-2, 11-15; page 22, lines 11-14).

Radican does not explicitly teach that said *obtaining* an identification of each of said plurality of the receiving stations includes *scanning* an identification of each of said plurality of the receiving stations.

However, Radican does teach that each of said receiving stations, which said distributor (truck) arrived at, has a unique identifier (page 7, lines 2-5). Furthermore, Radican teaches that said identification of said items is automatically obtained/scanned by means of radio frequency identification (RFID) tags technology or by means of scannable bar code tags (page 19, lines 21-28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Radican to include that said *obtaining* an identification of each of said plurality of the receiving stations includes *scanning* an identification of each of said plurality of the receiving stations, as suggested in Radican, because it would advantageously allow to automatically collect and record status and location of shipped goods and create the basic framework for compiling detailed data on

Art Unit: 3639

the shipping process which can be used by the facility, suppliers and carriers to optimize logistics, as specifically stated in Radican (page 7, lines 14-18).

As per Claim 15,

Radican teaches an inventory monitoring method, comprising:

coordinating of at least one portion of the materials management system at a remote operation center (page 7, line 31 – page 2, line 11; page 11, line 21-22);

externally transmitting at least one attribute to the remote operation center from at least one receiving station (page 11, lines 18-21);

receiving the at least one attribute of at least one material flow item in the at least one portion of the materials management system at the remote operation center (page 11, lines 18-21);

updating the at least one attribute to at least one updated attribute at the remote operation center (page 11, line 21);

externally transmitting the at least one updated attribute from the remote operation center to the at least one receiving station (page 11, lines 21-22);

gathering at least one material flow item from the at least one receiving station by a provider of delivery services (page 8, lines 12-13; page 9, lines 7-8);

transmitting, entering, checking and verifying the at least one attribute and the at least one updated attribute at the at least one receiving station by obtaining an identification of the at least one receiving station, the at least one material flow item, and the provider of delivery services (page 9, lines 8-10; page 7, lines 2-11, 17).

Radican does not explicitly teach that said *obtaining* an identification of the at least one receiving station includes *scanning* an identification of each of said plurality of the receiving stations.

However, Radican does teach that each of said receiving stations, which said distributor (truck) arrived at, has a unique identifier (page 7, lines 2-5). Furthermore, Radican teaches that said identification of said items is automatically obtained/scanned by means of radio frequency identification (RFID) tags technology or by means of scannable bar code tags (page 19, lines 21-28).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Radican to include that said *obtaining* an identification of each of said plurality of the receiving stations includes *scanning* an identification of each of said plurality of the receiving stations, as suggested in Radican, because it would advantageously allow to automatically collect and record status and location of shipped goods and create the basic framework for compiling detailed data on the shipping process which can be used by the facility, suppliers and carriers to optimize logistics, as specifically stated in Radican (page 7, lines 14-18).

As per Claim 16,

Radican teaches an inventory monitoring method, comprising:

receiving the at least one updated attribute at an at least one local receiving station, in accordance with an entry of the at least one updated attribute (page 8, lines 20-27);

transmitting an at least one local attribute, from the at least one local receiving station, to a remote operation center, responsively to said receiving the at least one updated attribute, wherein the at least one updated attribute, and the at least one local attribute at the local receiving station, and a receipt of the transmitted at least one local attribute at the remote operation center, are reviewable at the at least one local receiving station (page 8, lines 28 – page 9, line 5; page 11, lines 23-29).

Radican does not explicitly teach that said information, transmitted to the remote operation center, is reviewable at said at least one local receiving station *substantially simultaneously*.

However, Radican teaches that said communication is conducted over the Internet (page 8, line 5).

Official notice is taken that it is old and well known that information posted on the Web can be viewed substantially simultaneously from various geographical locations (for example, a plurality of Internet users can login to the Washington Post Web cite to obtain latest news/weather information; or a plurality of day-traders can be logged in to the E-Trade Inc. Web cite simultaneously to conduct trades of stocks on line).

Art Unit: 3639

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Radican to include that said information, transmitted to the remote operation center, is reviewable at said at least one local receiving station *substantially simultaneously*, as suggested in Radican, because it would advantageously allow to *immediately notify* the interested party in changes of status of the system (Radican; page 10, lines 30-31).

Dependent Claims

As per claim 2, said system, wherein the remote operation center is accessible from any communicative connection with the external interconnection (page 10, lines 28-31).

As per claim 3, said system, wherein the at least one attribute and the at least one updated attribute comprise at least one selected from the group consisting of a present location, status and desired delivery destination (page 9, lines 19-26; page 11, lines 30-31).

As per claims 4-6, said method and system, wherein the copy link provides a link from the remote operation center to real-time operations at least one of the receiving stations (page 8, lines 17-19).

As per claim 7, said method and system, wherein the at least one receiving station comprises an infrared (optical) scanner communicatively connected to a programmable electronic device (page 8, line 14).

As per Claim 11, Radican teaches all the limitations of Claim 11, except that at least one receiving station comprises a barcode printer.

However, Radican does teach that at least one updated attribute comprises a barcode realized as scannable bar code tags which are placed on the at least one material flow item (page 19, lines 27-28). Furthermore, Radican teaches printers for producing hard copy reports (page 8, lines 5-6).

Therefore, it would have been obvious to one having ordinary skill in art the time the invention was made to modify Radican to include that at least one receiving station comprises a barcode printer, because it would advantageously allow to employ

Art Unit: 3639

available technology for collecting necessary data, such as bar code readers Telxon PTC 921 and PTC 912DS (Radican, page 8, line 16).

As per claim 12, said method and system, wherein at least one updated attribute comprises previous ones of the receiving stations through which the at least one material flow item has passed (page 11, lines 18-22).

As per claim 13, said method and system, wherein one of the at least one receiving stations comprises a delivery station, and wherein the delivery station comprises a final receiving station through which the at least one material flow item passes (page 9, lines 25-26).

As per claims 17, comprising modifying the at least one local attribute at the remote operation center, wherein the modified at least one local attribute is additionally substantially simultaneously reviewable at the at least one local receiving station (page 8, lines 19-21).

As per Claims 18, said method further comprising controlling the material flow of the controlled material at said at least one receiving station in accordance with the at least one modified attribute and the at least one updated attribute (page 11, line 18-23).

As per Claims 19, said method, wherein said controlling comprises receiving at least one user command from the local receiving station, wherein the user command is responsive to the substantially simultaneous review at the at least one local receiving station by the user (page 8, line 28 – page 9, line 7).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radican in view of Markham et al. (US 2003/0158795).

As per Claims 8-10, Radican teaches all the limitations of Claims 8-10, including that the programmable device is a remote data transceiver, which appears to be a hand-held device (Fig. 2, item 18; page 8, line 5). However, Radican does not explicitly teach that said hand-held device is a PDA.

Art Unit: 3639

Markham et al. (Markham) teaches a system for storing a data associated with a material during manufacturing, wherein a PDA may be used for collecting and transmitting said data [0287].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Radican to include that the programmable device is a PDA, as disclosed in Markham, because it would advantageously allow to deploy said system in the areas where wired communication is not available.

Response to Arguments

Applicant's arguments with respect to Claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

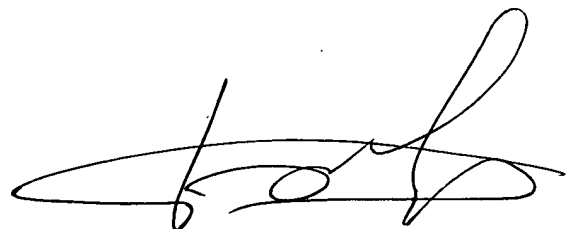
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

5/9/2006

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a large, stylized loop at the end.

IGOR N. BORISSOV
PRIMARY EXAMINER